



House of Representatives

File No. 482

General Assembly

January Session, 2007

(Reprint of File No. 204)

Substitute House Bill No. 7250
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 13, 2007

AN ACT CONCERNING UTILITY SERVICE TERMINATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2007*) (a) A person seeking to
2 terminate electric, gas, telecommunications or water service to a
3 residential dwelling shall provide identification, as defined in section
4 16-49e of the general statutes, the password previously provided by
5 the customer, the customer code provided by the company or other
6 reasonable identification method established by the company to the
7 electric distribution, gas, telecommunications or water company,
8 electric supplier or municipal utility providing such service sufficient
9 to establish that the person authorizing the termination is the customer
10 of record or the customer's authorized representative. Such company,
11 supplier or utility shall not terminate service if the person does not
12 provide reasonable identification establishing that the person
13 requesting the termination is the customer of record or the customer's
14 authorized representative for the residential dwelling.
- 15 (b) If a person or entity other than a customer of record or the

16 customer's authorized representative seeks to terminate electric, gas,
17 water or telecommunications service to a residential dwelling, the
18 company, supplier or utility service shall not effect termination of
19 service unless, nine or more days prior to the requested termination
20 date, the company, utility or supplier sends a notification letter to the
21 customer of record at the customer's last-known address.

22 (c) Notwithstanding the requirements of this section, an electric,
23 gas, telecommunications or water company, electric supplier or
24 municipal utility may terminate service at any time (1) upon request of
25 a state or local fire or police authority, (2) upon determination by the
26 company, supplier or utility that failure to terminate the service may
27 adversely impact safety or the public health, or (3) upon the company,
28 supplier or utility's compliance with applicable statutes or Department
29 of Public Utility Control regulations governing termination of service
30 not requested by the customer.

31 Sec. 2. Section 16-262e of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective July 1, 2007*):

33 (a) Notwithstanding the provisions of section 16-262d, wherever an
34 owner, agent, lessor or manager of a residential dwelling is billed
35 directly by an electric, electric distribution, gas, telephone or water
36 company or by a municipal utility for utility service furnished to such
37 building not occupied exclusively by such owner, agent, lessor, or
38 manager, and such company or municipal utility or the electric
39 supplier providing electric generation services has actual or
40 constructive knowledge that the occupants of such dwelling are not
41 the individuals to whom the company or municipal utility usually
42 sends its bills, such company, electric supplier or municipal utility
43 shall not terminate such service for nonpayment of a delinquent
44 account owed to such company, electric supplier or municipal utility
45 by such owner, agent, lessor or manager unless: (1) Such company,
46 electric supplier or municipal utility makes a good faith effort to notify
47 the occupants of such building of the proposed termination by the
48 means most practicable under the circumstances and best designed to

49 provide actual notice; and (2) such company, electric supplier or
50 municipal utility provides an opportunity, where practicable, for such
51 occupants to receive service in their own names without any liability
52 for the amount due while service was billed directly to the lessor,
53 owner, agent or manager and without the necessity for a security
54 deposit; provided, if it is not practicable for such occupants to receive
55 service in their own names, the company, electric supplier or
56 municipal utility shall not terminate service to such residential
57 dwelling but may pursue the remedy provided in section 16-262f.

58 (b) Whenever a company, electric supplier or municipal utility has
59 terminated service to a residential dwelling whose occupants are not
60 the individuals to whom it usually sends its bills, such company,
61 electric supplier or municipal utility shall, upon obtaining knowledge
62 of such occupancy, immediately reinstate service and thereafter not
63 effect termination unless it first complies with the provisions of
64 subsection (a) of this section.

65 (c) The owner, agent, lessor or manager of a residential dwelling
66 shall be liable for the costs of all electricity, gas, water or heating fuel
67 furnished by a public service company, electric supplier, municipal
68 utility or heating fuel dealer to the building, except for any service
69 furnished to any dwelling unit of the building on an individually
70 metered or billed basis for the exclusive use of the occupants of that
71 dwelling unit, provided, an owner, agent, lessor or manager shall be
72 liable for service provided on an individually metered or billed basis
73 pursuant to subsection (g) of this section from ten days after the date of
74 written request if the company, supplier, utility or dealer is denied
75 access to its individual meters or other facilities located on the
76 premises of the building. Said owners, agents, lessors or managers
77 shall only be liable when said owners, agents, lessors or managers
78 control access to such individual meters to which access is denied. If
79 service is not provided on an individually metered or billed basis and
80 the owner, agent, lessor or manager fails to pay for such service, any
81 occupant who receives service in his own name may deduct, in
82 accordance with the provisions of subsection (d) of this section, a

83 reasonable estimate of the cost of any portion of such service which is
84 for the use of occupants of dwelling units other than such occupant's
85 dwelling unit.

86 (d) Any payments made by the occupants of any residential
87 dwelling pursuant to subsection (a) or (c) of this section shall be
88 deemed to be in lieu of an equal amount of rent or payment for use
89 and occupancy and each occupant shall be permitted to deduct such
90 amounts from any sum of rent or payment for use and occupancy due
91 and owing or to become due and owing to the owner, agent, lessor or
92 manager.

93 (e) Wherever a company, electric supplier or municipal utility
94 provides service pursuant to subdivision (2) of subsection (a) of this
95 section, the company, electric supplier or municipal utility shall notify
96 each occupant of such building in writing that service will be provided
97 in the occupant's own name. Such writing shall contain a conspicuous
98 notice in boldface type stating,

99 "NOTICE TO OCCUPANT. YOU MAY DEDUCT THE FULL
100 AMOUNT YOU PAY (name of company or municipal utility) FOR
101 (type of service) FROM THE MONEY YOU PAY YOUR LANDLORD
102 OR HIS AGENT."

103 (f) The owner, agent, lessor or manager shall not increase the
104 amount paid by such occupant for rent or for use and occupancy in
105 order to collect all or part of that amount lawfully deducted by the
106 occupant pursuant to this section.

107 (g) The owner, agent, lessor or manager of a residential dwelling
108 shall be responsible for providing a public service company, electrical
109 supplier or municipal utility or heating fuel dealer access to its meter
110 or other facilities located on the premises of the residential dwelling
111 promptly upon written request of the public service company,
112 electrical supplier or municipal utility or heating fuel dealer during
113 reasonable hours. If such owner, agent, lessor or manager fails to
114 provide such access upon reasonable written request, the owner,

115 agent, lessor or manager shall be liable for the costs incurred by the
116 public service company, electrical supplier or municipal utility or
117 heating fuel dealer in gaining access to the meter and facilities,
118 including costs of collection and attorney fees. If the failure to provide
119 access delays the ability of the public service company, electrical
120 supplier or municipal utility or heating fuel dealer to terminate service
121 to an individually metered or billed portion of the dwelling, the
122 owner, agent, lessor or manager failing to provide access shall also be
123 liable for the amounts billed by the public service company, electrical
124 supplier or municipal utility or heating fuel dealer for service provided
125 to the individually metered or billed portion of the dwelling for the
126 period beginning seven days after access has been requested and
127 ending when access is provided by such owner, agent, lessor or
128 manager.

129 [(g)] (h) Nothing in this section shall be construed to prevent the
130 company, electric supplier, municipal utility, heating fuel dealer or
131 occupant from pursuing any other action or remedy at law or equity
132 that it may have against the owner, agent, lessor, or manager.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2007	New section
Sec. 2	July 1, 2007	16-262e

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes various changes pertaining to utility service termination by utility companies, and has no fiscal impact.

House "A" clarifies the conditions when owners, agents, lessors, or managers are liable for costs of electricity, gas, water, or heating fuel and makes other minor changes.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 7250 (as amended by House "A")******AN ACT CONCERNING UTILITY SERVICE TERMINATION.*****SUMMARY:**

This bill requires owners of residential buildings to give utilities and heating fuel dealers access to meters and other facilities located on their premises. It subjects the affected parties to sanctions if they do not, including being held responsible for their tenants' utility bills.

The bill also establishes verification requirements for the termination of residential utility service. These provisions apply to services provided by utility companies, municipal utilities, and competitive electric suppliers.

*House Amendment "A" (1) deletes termination provisions applying to non-residential buildings; (2) modifies when a landlord becomes responsible for a tenant's bill, in apparently inconsistent ways (see COMMENT); (3) expands the verification requirements to apply to all telecommunications services; (4) expands the ways a person can verify that he or she is the customer of record; and (5) makes other changes.

EFFECTIVE DATE: July 1, 2007

ACCESS TO METERS AND OTHER UTILITY EQUIPMENT

The bill requires the owner, lessor, manager, or agent of any residential building promptly to give a utility or heating fuel dealer access to its individual meters or other facilities located on the premises during reasonable hours, upon written request. Any such party that fails to provide access upon a reasonable request is liable for

the utility or dealer's cost in gaining access to the facilities, including collection costs and attorney fees. If the failure to provide access delays the utility or dealer's ability to terminate service to an individually metered or billed portion of the dwelling, the owner, lessor, manager, or agent is also liable for the amount billed by the utility or dealer for that part of the building, starting seven days after the utility or dealer requested access and until access is provided. These provisions apply to access to equipment owned by investor-owned and municipal utilities, competitive electric suppliers, and heating fuel dealers.

The bill also provides that the owner, lessor, manager, or agent is liable for services provided on an individually metered or billed basis if the utility or dealer is denied access with the liability beginning 10 days after the request for access. In this case, the owner, lessor, manager, or agent is only liable if he or she controls access to the meters or facilities.

TERMINATIONS

The bill requires anyone who seeks to terminate electric, gas, telecommunications, or water service to a dwelling to provide the utility with identification sufficient to demonstrate that he or she is the customer of record, i.e., the person responsible for the utility bill or authorized representative. The customer or the customer's representative can do this by providing a driver's license or certain other documents, the password previously provided by the customer, the customer code provided by the utility, or other reasonable methods established by the utility. The utility may not terminate service if the person does not provide reasonable identification showing that he or she is the customer of record.

If a person other than the customer of record seeks to terminate service, the utility cannot do so unless it has sent a notification to the customer at his last known address at least nine days before the termination date.

However, a utility can terminate service at any time (1) at the

request of a state or local fire or police authority, (2) at the utility's determination that failure to terminate service may harm public health, or (3) if the utility has complied with all applicable laws or Department of Public Utility Control regulations on terminations not requested by the customer.

COMMENT

Inconsistent Landlord Liability Provisions

Section 2 (c) of the bill makes a owner, lessor, manager, or agent liable for a tenant's bill starting 10 days after the landlord receives a written request to provide access to the utility or fuel dealer's facilities but fails to do so. This subsection does not specify an end date for the landlord's liability. Section 2 (g) makes the landlord liable starting seven days after access is requested if the failure to provide access delays a termination of service. In this subsection, the liability ends when the landlord provides access to the facilities.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 20 Nay 1 (03/13/2007)